

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 12974, of Morris Battle, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) to construct a private garage accessory to an existing dwelling in an R-5-B District at the premises 1823 Wyoming Avenue, N.W. (Square 2553, Lot 42).

HEARING DATE: June 20, 1979  
DECISION DATE: July 11, 1979

FINDINGS OF FACT:

1. The Board for good cause shown, waived the late filing of the affidavit of posting. The property was posted properly in accordance with the Supplemental Rules of Practice and Procedure.
2. The subject property is located on the north side of Wyoming Avenue between 18th and 19th Streets, N.W. It is known as 1823 Wyoming Avenue and is in an R-5-B District.
3. The subject lot is twenty feet wide and 120 feet deep. The front of the lot is developed with a fifty-eight foot deep rowhouse with three stories and an english basement.
4. The applicant proposes to build a garage in the rear which will measure twenty feet in width, thirty-four feet in depth and be eleven foot high. Access to the garage will be from a fifteen foot wide public alley. The garage will be as accessory to the subject improvements.
5. The applicant argues that on-street parking is not available in the area, and that the lack of such parking constitutes a hardship upon the owner.
6. Pedestrian access to the garage will be provided through a door facing the house in the rear yard which will require some earth work in the portion of the rear yard not occupied by the garage.

7. There is presently a difference of approximately four to five feet in the level of the rear yard and the public alley. The rear yards in this block are generally provided with stairs for access to the alley. These stairs are located adjoining garages or parking pads to permit easy access to the parking from the rear yard. In the subject case, the total width of the rear yard will be occupied by the proposed garage eliminating the stairs.

8. The property is located in an R-5-B District which permits a sixty per cent lot occupancy. The proposed garage will increase the permitted lot occupancy by approximately 680 square feet. The present building area is 1160 square feet, and the proposed coverage would be 1840 square feet, 400 square feet more than permitted.

9. The property has rowhouses on either side, and a major slope from the alley to the level of the houses. The lots are the same size and the topography is similar. One of these rowhouses has a garage which pre-dates current Zoning Regulations. The garage is approximately nine feet high at the alley end and about four feet off the ground level of the backyard where it is dug into the elevated slope, with approximately twenty feet of garage depth. It is a single car garage with steps by the side leading to the back yard. The other rowhouse has a retaining wall at the back of the lot on the alley with steps up to the yard and no parking. Both of these properties have back yard.

10. The Office of Planning and Development, by report dated June 18, 1979, recommended that the application be denied on the grounds that the proposed garage will substantially reduce the rear yard and will have adverse impact on the abutting properties. The proposed garage depth is considerably more than the nineteen foot depth area allowed as a matter of right. The Board concurs with the opinion of the OPD.

11. Advisory Neighborhood Commission 1C made no recommendation on the application.

12. There was neither support for or opposition to the application.


CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty stemming from the property itself. The Board concludes that there is no practical difficulty inherent in the property. The only hardship or difficulty alledged by the applicant does not pertain to the property but to the area as a whole, and is not a basis for the granting of a variance. In addition, the Board concludes that the applicant's design is too large for the subject property. The applicant has other alternatives to his parking problem which he can pursue without creating an adverse affect on neighboring properties. The Board further concludes that the application cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-1 (Walter B. Lewis, Charles R. Norris and Chloethiel Woodard Smith to DENY; William F. McIntosh opposed by PROXY; Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 10 SEP 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.